

REMARKS

Claims 1, 2, 4-6, 9-10, 12-24, 26-35 are currently pending in the application.

REJECTIONS

§ 112

Claim 30 is fully supported by the specification and thus the rejection must be withdrawn. As described throughout the specification, a mobile appliance's signal may be operated on by a repeater. A repeater retransmits the signal and therefore in certain areas a base station may receive the signal transmitted directly from the mobile as well as the retransmitted signal from the repeater. Repeaters always introduce a delay and thus the claim specifies disregarding the second signal (the repeated signal) when determining the location of the mobile appliance. The rejection is improper and must be withdrawn.

§ 102(e)

Claims 22-23 are improperly rejected as being anticipated by Stein et al. (U.S. Pub. No. 2003/0008663).

The Office states that "Applicant's arguments with respect to claims ...12-24 ...have been considered but are moot in view of the new ground(s) of rejections. However the Office has submitted the same rejection for Claims 22 and 23. Therefore,

the Applicant incorporates by reference the still un-rebutted arguments from the previous response.

In addition claim 22, recites inter alia: “detecting signals from a target mobile appliance on the communication tether”

The “identification code” the Office attributes as the detected signals of the target mobile, is not an identification code of the target mobile but rather of the repeater. Stein states: “an identification code uniquely associated with each repeater is sent by each repeater within a particular coverage area (e.g., a cell). The identification code can then be used by a terminal (or PDE) to unambiguously identify the repeater.” [0008]

Furthermore, Stein does not disclose detecting the “identification code” or even any other signals on the communications tether. If Stein detected signals on the communication tether, the “identification codes” clearly would not be needed.

Additional, the Office acknowledges that “Stein fails to clearly teach a geolocation sensor attached to the communication tether” and therefore could not possible detect signals on the tether.

The rejection of claim 22 as being anticipated by Stein is improper and must be withdrawn.

Attorney Docket: GRA26 009
Application Serial No.: 10/531,038
Amendment dated: 23 February 2007

Likewise the rejection of Claim 23 which depends from Claim 22 is also improper irrespective of the additional patentable features recited therein.

§ 103(a)

Claim 1-10 are rejected as being unpatentable over Stein et al. (U.S. Pat. Appl. No. 2003/0008663) in view of Kennedy Jr. (U.S. Pat. No. 6,952,158).

The Office concedes that “Stein fails to clearly teach step of determining based in part on a difference between the times of arrival of two of the plural signals at the geolocation system” and attempts to use Kennedy ‘158 to correct this deficiency.

Kennedy ‘158 does not qualify as prior art under any sections of §102 for this application. Therefore the rejection is improper on its face. The rejection must be withdrawn.

Claims 12, 14-17, 24 and 26-29 are improperly rejected as being unpatentable over Stein et al. (U.S. Pat. Appl. No. 2003/0008663) in view of Kennedy et al. (U.S. Pat. Appl. No. 2004/0043775).

The Office concedes that “Stein fails to teach a mobile positioning center” and attempt to use Kennedy et al. ‘775 to correct this deficiency.

**Attorney Docket: GRA26 009
Application Serial No.: 10/531,038
Amendment dated: 23 February 2007**

Kennedy et al. '775 does not qualify as prior art under any sections of §102 for this application. Therefore the rejection is improper on its face. The rejection must be withdrawn.

Claims 13 and 18-21 are rejected as being unpatentable over Stein et al. (U.S. Pat. No. 2003/0008663) in view of Kennedy et al. (U.S. Pat. Appl. No. 2004/0043775) and further in view of Tekinay (U.S. Pat. Pub. No. 2001/0027110).

As noted above Kennedy et al. '775 does not qualify as prior art under any sections of §102 for this application. Therefore the rejection is improper on its face. The rejection must be withdrawn.

Claims 30-33 are rejected as being unpatentable over Stein et al. (U.S. Pat. No. 2003/0008663) in view of Kennedy et al. (U.S. Pat. Appl. No. 2004/0043775) and further in view of Hymel (U.S. Pat. No. 6,246,336).

As noted above Kennedy et al. '775 does not qualify as prior art under any sections of §102 for this application. Therefore the rejection is improper on its face. The rejection must be withdrawn.

**Attorney Docket: GRA26 009
Application Serial No.: 10/531,038
Amendment dated: 23 February 2007**

Claim 34 is improperly rejected as being unpatentable over Stein et al. (U.S. Pat. No. 2003/0008663) in view of Bloebaum (U.S. Pat. No. 6,188,351).

The Office acknowledges that “Stein fails to clearly teach a geolocation sensor attached to the communication tether.” The Office attempts to use Bloebaum to provide such a teaching.

Bloebaum in Figure 1a as relied upon by the Office shows a GPS attached to a base station. It does not show a repeater or a repeater tether. Therefore it cannot provide a teaching for attaching a geolocation sensor on the communication tether as recited in the claims. The rejection is improper and must be withdrawn.

Claim 35 is rejected as being unpatentable over Stein et al. (U.S. Pat. No. 2003/0008663) in view of Bloebaum (U.S. Pat. No. 6,188,351) and further in view of Kennedy et al. (U.S. Pat. Appl. No. 2004/0043775)

As noted above Kennedy et al. ‘775 does not qualify as prior art under any sections of §102 for this application. Therefore the rejection is improper on its face. The rejection must be withdrawn.

Attorney Docket: GRA26 009
Application Serial No.: 10/531,038
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CONCLUSION

The prior art alone or in combination do not disclose the features of the Claims. The prior art asserted by the Office, Kennedy '158 and Kennedy et al. '775, is not prior art and thus the rejections premised upon them are *prima facie* improper. The Applicant request allowance of the application including Claims 1, 2, 4-6, 9-10, 12-24, 26-35.

If the Examiner has any questions relating to this response or the application in general she is respectfully requested to contact the undersigned so that prosecution may be expedited.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to **Deposit Account No. 04-1679**.

Respectfully submitted,



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